

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

JAMES L. FLOWERS, M.D.

Respondent

ORDER ON PETITION

The Medical Examining Board filed its Final Decision and Order in the above-captioned matter on July 27, 1995. By the terms of the board's Order, Dr. Flowers' license was suspended for 30 days, remedial education was ordered, and Dr. Flowers was required to surrender his DEA registration for Schedule I and II controlled substances for at least two years.

By letter to department Secretary Marlene A. Cummings dated July 31, 1995, Dr. Flowers indicated that one of his patients, LB, had been unable to find another physician to prescribe Schedule II analgesics to control his chronic pain. Dr. Flowers asked the board to exempt him from the requirement of the board's Final Decision and Order by which he is required to surrender his DEA registration as to Schedule I and II controlled substances in order to permit him to continue to prescribe Schedule II substances for that patient. The board considered the request at its meeting of August 23, and denied the request by its order dated September 1, 1995.

By letter dated February 12, 1996, Dr. Flowers again petitioned the board to permit him to prescribe Schedule II controlled substances for patient LB. Thereafter, on February 28, 1996, Dr. Flowers filed a petition relating to that portion of the board's July 27, 1995, Order which requires that "respondent shall not employ, be employed by, or be professionally associated in any way with, Jason Smith, D.O." The petition requested as follows:

- 1) to modify the order only to state as long as Dr. Smith is not licensed to practice,
- 2) that there is no restriction to my medically affiliating with him in any jurisdiction in which he is properly licensed.

The board considered the matter on March 20, 1996, and, by its Order dated April 1, 1996, denied the petition to permit Dr. Flowers to prescribe Schedule II Controlled Substances to Patient LB, but granted the petition to permit association with Dr. Smith in jurisdictions where Dr. Smith is properly licensed, including Wisconsin at such time as Dr. Smith becomes properly licensed in this state.

By petition dated May 5, 1997, Dr. Flowers requested the board to "notify the DEA that I have met all the requirements imposed by the MEB so that I may reapply for the full DEA II through V schedules." The board construed this as a petition to modify the July 27, 1995 Final Decision and Order to permit him to prescribe and dispense Schedule II Controlled substances. The board denied the petition.

By letters dated July 30 and September 2, 1997, Dr. Flowers again petitioned the board to permit him to apply for and hold a full DEA registration for Controlled Substance Schedules II through V. The board considered the petition at its meeting of September 19, 1997, and orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that James L. Flowers, M.D. may apply for and hold a DEA registration to dispense and prescribe Controlled Substance Schedules II through V.

Dated this 19th day of September, 1997.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by Glenn Hoberg M.D.
Glenn Hoberg, D.O.
Secretary

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of Disciplinary Proceedings Against

James L. Flowers, M.D.,

AFFIDAVIT OF MAILING

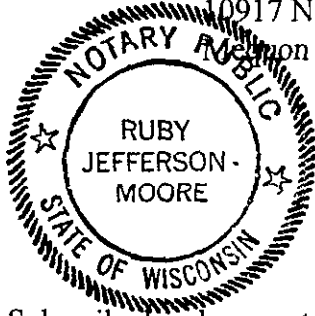
Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On September 30, 1997, I served the Order on Petition dated September 19, 1997 upon the Respondent James L. Flowers, M.D. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 159 564.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

James L. Flowers, M.D.
10917 N. San Marino Drive
Madison WI 53092



Subscribed and sworn to before me

this 30th day of September, 1997.

Ruby Jefferson-Moore
Notary Public, State of Wisconsin
My commission is permanent.

Kate Rotenberg
Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

September 30, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)